

CITY OF MUSKEGON
MUSKEGON HOUSING BOARD OF APPEALS
MEETING MINUTES
09/01/05
5:30PM

ATTENDANCE: Randy Mackie, Greg Borgman, Nick Kroes, Jon Rolewicz, Ed Simmons, John Warner, Clara Shepherd

ABSENT:

EXCUSED:

STAFF: Henry Faltinowski, Carmen Smith, Don LaBrenz, Jim Hoppus, and Mark Kincaid

GUESTS: Marta Anaya (438 McLaughlin), Guadalupe Loera (497 Catawba), Mark Ruegsegger (240 Mason), Maria Morales (775 Washington)

Meeting minutes: A motion was made by Nick Kroes and seconded by Jon Rolewicz to approve the August minutes.

A roll call vote was taken:

AYES:
Greg Borgman
Randy Mackie
Jon Rolewicz
Nick Kroes
Clara Shepherd
Ed Simmons
John Warner

NAYES:

EXCUSED:

ABSENT:

Motion carried.

Mark Kincaid updated board on properties that were tabled from the August meeting located at 1869 Manz and 1160 Sanford were completed of all repairs and files closed.

DANGEROUS BUILDING NEW CASES:

EN-050104 – 497 Catawba – Guadalupe Loera, 497 Catawba, Muskegon, MI 49442

Guadalupe Loera was present to represent case.

Ms. Loera stated that most repairs were complete she was just waiting for electrician to finish work and to get a final inspection. Mark Kincaid stated this case had been before board twice 10/27/98 and 12/12/00 also had been before the commission to concur with the HBA to declare structure dangerous. Don LaBrenz stated he rode by today and it appears she has been working on it and he trust if she says she's close to completion he believes that to be the case.

Staff Recommendation: Table until October 2005 with owner to schedule final inspection.

A motion was made by Randy Mackie and seconded by John Warner to accept staff recommendation.

A roll call vote was taken:

AYES:

Greg Borgman
Randy Mackie
Jon Rolewicz
Nick Kroes
Clara Shepherd
Ed Simmons
John Warner

NAYES:

EXCUSED:

ABSENT:

Motion carried.

03-51- 240 Mason – Mark Ruegsegger, 236 Mason, Muskegon, MI 49441

Mr. Ruegsegger stated major electrical work done and brick work on the front of the structure. He mentioned some issues regarding his mother's home which had impeded his progress but those things had been resolved and he was now able to devote time repairing his home. Mark Kincaid stated that both electrical and building permits expired 10/31/03 and there had been no owner contact since that time. Mr. Ruegsegger said he thought inspection would automatically take place after 90 days. Greg Borgman clarified policy on calling for inspections and stated Mr. Ruegsegger should schedule an inspection as soon as possible. Clara Shepherd stated board has been dealing with case since 2003 and it's now 2005. There are 22 violations listed. She was concerned about exterior repairs not getting done because of winter months. Ms Shepherd stated the owner needs to show some progress before November. Ms Shepherd asked if the property was a rental. Mr. Ruegsegger stated his granddaughter occupies one part and he lives in the other. Nick Kroes questioned staff about why case was removed from agenda and from our radar two years ago. Don LaBrenz stated when it was pulled from the agenda it was because owner was working on the building. In the last two years there have been changes in the Inspection Office and we are presently reviewing files that have fallen through the cracks. Nick Kroes asked if there have been any changes in system so cases don't disappear for a long time period. Don LaBrenz stated that files are now being reviewed once a week to see if we're missing something and try to clean up the old cases. Greg Borgman asked about the building adjacent to Mr. Ruegsegger property. Henry Faltinowski stated the Inspection Department is only reviewing the home and storage unit. Henry stated looking at timetable in connection with list of repairs that the roofing and painting should be done first. Mr. Ruegsegger stated the roof was fine. Henry Faltinowski asked why roof inspection had not been scheduled and owner should provide access to it. Mr. Faltinowski said the mason work was done by contractor and inspected.

Staff Recommendation: Table case until October 2005 amended from November 2005 to provide owner time to schedule inspections and provide a timeline to complete repairs.

A motion was made by Randy Mackie and seconded by Jon Rolewicz to accept staff recommendation.

A roll call vote was taken:

AYES:

Greg Borgman
Randy Mackie
Jon Rolewicz
Nick Kroes
Clara Sheperd
Ed Simmons
John Warner

NAYES:

EXCUSED:

ABSENT:

Motion carried.

**EN-030115- 775 Washington-Maria Galindo Morales, 1873 Whitehall Rd, N.
Muskegon, MI 49445**

Maria Morales and Francisco Galindo were present to represent case.

Mr. Galindo apologized for not keeping in contact with Inspections Department. He mentioned he had been out of town but stated windows had been replaced and was working on siding. Mr. Galindo showed updated photos of progress of work. Mark Kincaid stated pictures in file were from February and there have been a lot of change since then. Mr. Kincaid informed board that the building permit issued in April 2005 specified that monthly progress inspections were required and we haven't been called for any and the permit expires in October 2005 but there is significant progress that has been made although there are also mechanical, electrical and plumbing permits that need to be pulled. Jon Rolewicz asked what was the owner intent. Mr. Galindo said he plans to occupy. Greg Borgman reminded owner how important it is to stay in contact with Inspection Department. Jim Hoppus asked if the chimney was certified. Mr. Galindo said plans were to get it certified.

Staff Recommendation: Table until November meeting 2005, provided interior inspection be conducted by September 16, 2005 and all permits pulled by September 30, 2005 with a timetable to complete repairs.

Motion made by Jon Rolewicz and seconded by Nick Kroes to accept staff recommendation.

A roll call vote was taken:

AYES:

Greg Borgman
Randy Mackie
Jon Rolewicz
Nick Kroes
Clara Sheperd
Ed Simmons
John Warner

NAYES:

EXCUSED:

ABSENT:

Motion carried.

03-25 – 438 McLaughlin – Anaya Marta, 4064 Evergreen Dr, Muskegon, MI 49441

Marta Anaya was present to represent case.

Ms Anaya had an interpreter to speak in her behalf. She speaks Spanish and very little English. Mark Kincaid stated he had driven by the house and that many repairs had been made even though permits have all expired. Mr. Kincaid showed pictures from file. Don LaBrenz noted most repairs were interior. Clara Shepherd asked about graffiti on garage which Ms. Anaya stated was still there. Ms Anaya stated that brush on pictures has been cleaned up. Nick Kroes reminded Ms. Anaya that she has a month to start to address items on list. Ms Shepherd stated that it was important that staff follow case closely to make sure Ms. Anaya knows what's needed to complete repairs. Ms Shepherd stated that a Certificate of Compliance is needed to rent the home. Jim Hoppus stated that since it is a rental that only licensed contractors can do the work and he noticed on list the backflow on the boiler is a serious concern. Nick Kroes stated since there is a language issue, have staff explain list. Ms Shepherd had concerns about people living in home under bad conditions with no Certificate of Compliance. Mark Kincaid assured board he would make sure housing inspector would address the issues in the morning. Henry Faltinowski stated he had never been to house and suggested that mechanical inspector go out immediately and if there are serious concerns then the Fire Marshall can get involved if home needs to be shut down.

Staff Recommendation: Table until October 2005 meeting and give owner time to meet with Inspections and set up timetable to complete repairs.

Motion approved by Randy Mackie and seconded by John Warner to accept staff recommendation.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>
Greg Borgman			
Randy Mackie			
Jon Rolewicz			
Nick Kroes			
Clara Sheperd			
Ed Simmons			
John Warner			

Motion carried.

EN-050096 – 915 W. Hackley – Silvesta/Sylvia Brown, 3020 Peck Apt#202, Muskegon Heights, MI 49444

Mark Kincaid stated this case came before board at the July meeting. There was concern about who had the mortgage and they agreed to call for an interior inspection and secure the building. There has been no owner contact since that meeting.

Staff Recommendation: Declare the building substandard, a public nuisance, and dangerous building.

A motion was made by Jon Rolewicz and seconded by Randy Mackie to accept staff recommendation.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>
Greg Borgman			
Randy Mackie			
Jon Rolewicz			
Nick Kroes			
Clara Sheperd			
Ed Simmons			
John Warner			

Motion carried.

EN-030083 – 209-211 Merrill –State of Michigan, 430 W. Allegan, Lansing, MI 48922

Mark Kincaid stated there are two homes on this property and they belong to the State of Michigan. The cases were to come before HBA but were pulled from agenda

because the City thought they could be rehabilitated but further inspection revealed that they weren't good for the CNS program.

Staff Recommendation: Declare the building substandard, a public nuisance, and dangerous building.

Motion made by Clara Shepherd and seconded by John Warner to accept staff recommendation.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>
Greg Borgman			
Randy Mackie			
Jon Rolewicz			
Nick Kroes			
Clara Shepherd			
Ed Simmons			
John Warner			

Motion carried.

EN-040074 – 1786 Pine (Garage) – Rouwhorst Investments LLC, 1788 Terrace St, Muskegon, MI 49442

No one was present to represent this case.

Mark Kincaid stated this is a case of a garage on a parcel with no house. The owner stated they needed time to get their stuff out and would demolish themselves but there has been no progress.

Staff Recommendation: Declare the building substandard, a public nuisance, and dangerous building.

Motion made by Nick Kroes and seconded by Clara Shepherd to accept staff recommendation.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>
Greg Borgman			
Randy Mackie			
Jon Rolewicz			
Nick Kroes			
Clara Shepherd			
Ed Simmons			
John Warner			

Motion carried.

EN-050084- 1174 Jefferson - Dean/Chaunel C. Witte, 550 W. Western Apt. #32, Muskegon, MI 49440-1083

No one present to represent case.

Mark Kincaid stated property sat with no work being done due to a fire. We received a response after notification of HBA meeting. Work is going on now with building, electrical, mechanical and plumbing permits issued. The roof is on and great progress has been made and the building permit does not expire until January. Don LaBrenz stated the reason case was put on the agenda was because neighbors had complained of lack of progress.

Staff Recommendation: Table case until the January 2006 meeting.

Motion made by Nick Kroes and seconded by Clara Shepherd to accept staff recommendation.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>
Greg Borgman			
Randy Mackie			
Jon Rolewicz			
Nick Kroes			
Clara Shepherd			
Ed Simmons			
John Warner			

Motion carried.

03-64 – 283 W. Forest –Jonathon Blakeman – 2139 Kinsey, Muskegon, MI 49441

No one was present to represent case.

Don LaBrenz stated he spoke with Mr. Blakeman and he couldn't be at the meeting tonight. Mr. LaBrenz stated final electrical, plumbing, and mechanical inspections have occurred since agenda was completed. He said Mr. Blakeman is asking for 30 days to finish up some trim work inside the building. Mark Kincaid reported to HBA that upon riding by the building that it looks good.

Staff Recommendation: Table for 30 days.

Motion made by Jon Rolewicz and seconded by Randy Mackie to accept staff recommendation.

A roll call vote was taken:

AYES:

Greg Borgman
Randy Mackie
Jon Rolewicz
Nick Kroes
Clara Shepherd
Ed Simmons
John Warner

NAYES:

EXCUSED:

ABSENT:

Motion carried.

OLD BUSINESS:

Clara Shepherd reported on 1223 Terrace where she was riding by and there was garbage left on terrace with no stickers. Ms Shepherd helped remove trash. Tenant said son was sick due to bacteria/mold from a flooded basement. Tenant called Ms Shepherd later to say she had been evicted. Nick Kroes asked if building was dangerous building. Don LaBrenz said the last contact we had was some renovations done three years ago after a fire. He said files would have to be checked to see what the status of the Certificate of Compliance. Nick Kroes said he believes we have to come up with a way to inform tenants of their rights. Ms Shepherd stated there was a booklet designed by a Housing Stock Committee that should be reviewed.

Motion made by Nick Kroes to revisit a list of tenant rights at the October 2005 meeting and seconded by Clara Shepherd.

A roll call vote was taken:

AYES: NAYES: EXCUSED: ABSENT: ABSTENTION

Greg Borgman

Randy Mackie

Jon Rolewicz

Nick Kroes

Clara Shepherd

Ed Simmons

John Warner

Motion carried.

NEW BUSINESS:

Greg Borgman expressed his concerns regarding the property Mr. Ruegseggar uses, as a business looks really bad. Nick Kroes stated we have had two language issues in the past three months and suggested we have one or two sentences in Spanish included in our formal notices.

Motion made by Nick Kroes to include a Spanish statement in future notices stating "If you have any problems understanding this notice it is your responsibility to contact The City of Muskegon Inspection Department at 231 724-6715" and seconded by John Warner.

A roll call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

Greg Borgman

Randy Mackie

Jon Rolewicz

Nick Kroes

Clara Shepherd

Ed Simmons

John Warner

Motion carried.

ADJOURNMENT:

6:52 P.M.

CITY OF MUSKEGON

AMERICAN DISABILITY ACT POLICY FOR ACCESS TO OPEN MEETINGS OF THE CITY COMMISSION AND ANY OF ITS COMMITTEES OR SUBCOMMITTEES.

The City of Muskegon will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting, upon twenty-four hours notice to the City of Muskegon. Individuals with disabilities requiring auxiliary aids or services should contact the City of Muskegon by writing or calling the following.

Gail Kunderger, City Clerk
933 Terrace Street
Muskegon, MI 49443
(616) 724-6705 or TDD (616) 724-6773